

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SEAN TWOHIG,

Plaintiff,

CASE NO. 2:12-cv-11855

v.

HON. MARIANNE O. BATTANI

MACOMB CORRECTIONAL FACILITY, et  
al.,

Defendants.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND GRANTING DEFENDANT'S MOTION TO DISMISS**

Plaintiff Sean Twohig filed this 42 U.S.C. § 1983 action alleging *inter alia* inhumane treatment and medical malpractice against Defendants Macomb Correctional Facility, Macomb Medical Correctional Facility, Dr. Abendiena, and "Nurse Lisa." (Doc. 1). The matter was referred to Magistrate Judge Majzoub in accordance with 28 U.S.C. § 636(b)(1). Defendant Macomb Correctional Facility filed a motion to dismiss under Fed. R. Civ. P. 12(b)(6), to which Plaintiff filed no response. Subsequently, the Magistrate Judge issued a Report and Recommendation ("R&R") to grant Defendant's motion to dismiss and also dismiss remaining Defendants without prejudice. (Doc. 18 at 5-6).

In the R&R, the Magistrate Judge informed the parties that objections to the R&R must be filed within "fourteen (14) days of service of a copy hereof" and a "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (*Id.* at 6). Neither party filed objections.

Because no objections were filed in this case, the parties waived their right to *de novo* review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R, **GRANTS** Defendant's motion to dismiss, and **DISMISSES** all Defendants **WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATE: May 22, 2013

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon the Plaintiff via ordinary U.S. Mail, and Counsel for the Defendant, electronically.

s/Bernadette M. Thebolt

Case Manager